

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-7, 9, 13-33, and 35-40 are pending with claims 1, 17, 26, and 37 being the independent claims. Claim 7 is sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Specification

In the Office Action, the specification was objected to as allegedly failing to provide proper antecedent basis for the claimed subject matter. Specifically, the Office Action states that “[t]he specification fails to provide proper antecedent basis for the recitations (or essentially similar recitations) of “wherein the first Ethernet packet also includes an outer Ethernet header and a manufacturer header,” “a manufacturer header,” “ wherein the manufacturer header includes the memory address,” “a user-specific type field”, “wherein the outer Ethernet header comprises a user-specific type field”, and “generating a second Ethernet packet encapsulating the memory address and the first Ethernet packet,” as found recited within claims 1-7, 9, 13-16, 18, 26-33, 35, 36, and 38. Applicants respectfully traverse.

Each of the recitations cited by the Examiner is supported by the specification as filed. Applicants address each recitation cited in the Office Action and its corresponding

support individually herein. References to Applicants' specification herein are to the publication of that specification, U.S. Publication No. 2004/0139313.

Manufacturer Header

Wherein the First Ethernet Packet Also Includes an Outer Ethernet Header and a Manufacturer Header

The recitations "manufacturer header" and "wherein the first Ethernet packet also includes an outer Ethernet header and a manufacturer header" are supported, for example, in the specification at ¶¶ [0026] and [0057] – [0059] as discussed more fully below.

FIG. 3 of Applicants' specification "is a block diagram representative of one embodiment of Ethernet frames with headers in accordance with the invention." (Specification, ¶ [0026]). "In this embodiment, the processor(s) 10 encapsulate the packet 30 of FIG. 1 into another Layer 2 [L2] packet for transmission over a Layer 2 [L2] link (e.g., link 14) to the security processor 12. For example, an original packet 70 (FIG. 3) includes data, an IP header and an L2 header (DA, SA, and type)." (Specification, ¶ [0057]). "The processor(s) 10 append an outer Ethernet header 66 and another header 68 to the original packet." (Specification, ¶ [0058]). "The processor(s) 10 also insert a tag (e.g., FlowID) and a type 64 ***into the manufacturer-specific header 68.***" (Specification, ¶ [0059])(emphasis added). FIG. 3 labels element 68 "MFG HDR."

Accordingly, the recitations "manufacturer header" and "wherein the first Ethernet packet also includes an outer Ethernet header and a manufacturer header" are supported by at least ¶¶ [0026] and [0057] – [0059] of the specification.

Wherein the Manufacturer Header Includes the Memory Address

The recitation “wherein the manufacturer header includes the memory address” is supported, for example, in ¶¶ [0059] and [0128] as discussed more fully below.

“The [manufacturer] header 68 in this example contains 4 bytes. The first byte is the type 64, in this example a value of zero. The last three bytes contain the FlowID.” (Specification, ¶[0059]). “The lower 22 bits of the FlowID refer to the location of the security association in memory (e.g., local memory 816).” (Specification, ¶ [0128]).

Accordingly, the recitation “wherein the manufacturer header includes the memory address” is supported by at least ¶¶ [0059] and [0128] of the specification.

User-Specific Type Field***Wherein the Outer Ethernet Header Comprises a User-Specific Type Field***

The recitations “user-specific type field” and “wherein the outer Ethernet header comprises a user-specific type field” are supported, for example, in ¶ [0060] as discussed more fully below.

“When the security processor receives a packet 60 with the security processor’s address in the DA field of the outer header 66, the security processor may check the Ethernet type field 62 to determine how to process the packet header. A company such as Broadcom Corporation may have a unique registered Ethernet type 62 that is used to define in-band packet communication.” (Specification, ¶ [0060]). The specification therefore describes “type fields” that are uniquely registered for a specific user. Accordingly, the recitation “user-specific type field” is supported by at least ¶ [0060] of the specification.

As clearly depicted in FIG. 3, the type field 62 is a component of the outer header 66. Accordingly, the recitation “wherein the outer Ethernet header comprises a user-specific type field,” is supported by at least ¶ [0060] and FIG. 3 of the specification.

Generating a Second Ethernet Packet Encapsulating the Memory Address and the First Ethernet Packet

The recitation “generating a second Ethernet packet encapsulating the memory address and the first Ethernet packet” is supported, for example, in ¶¶ [0057]-[0059] and [0128] as discussed more fully below.

As described in the specification “the processor(s) 10 encapsulate the packet 30 of FIG. 1 into another Layer 2 [L2] packet for transmission over a Layer 2 [L2] link (e.g., link 14) to the security processor 12. For example, an original packet 70 (FIG. 3) includes data, an IP header and an L2 header (DA, SA, and type).” (Specification, ¶ [0057]). “The processor(s) 10 append an outer Ethernet header 66 and another header 68 to the original packet.” (Specification, ¶ [0058]). “The processor(s) 10 also insert a tag (e.g., FlowID) and a type 64 into the manufacturer-specific header 68.” (Specification, ¶ [0059])(emphasis added). “The [manufacturer] header 68 in this example contains 4 bytes. The first byte is the type 64, in this example a value of zero. The last three bytes contain the FlowID.” (Specification, ¶ [0059]). “The lower 22 bits of the FlowID refer to the location of the security association in memory (e.g., local memory 816).” (Specification, ¶ [0128]).

Accordingly, the recitation “generating a second Ethernet packet encapsulating the memory address and the first Ethernet packet” is supported by at least ¶¶ [0057]-[0059] and [0128] of the specification.

Support for each of the recitations in the specification has been shown.

Reconsideration and withdrawal of the objection are therefore respectfully requested.

Rejections under 35 U.S.C. §112

First Paragraph

Claims 1-7, 9, 13-16, 18, 26-33, 35, 36, and 38 were rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Applicants respectfully traverse this rejection.

The Examiner has failed to meet his burden of providing sufficient evidence to establish that the claims fail to comply with the written description requirement. A description as filed is presumed to be adequate, unless or until sufficient evidence or reasoning to the contrary has been presented by the examiner to rebut the presumption. (M.P.E.P. § 2163.III.A.). The Examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in a applicant's disclosure a description of the invention defined by the claims. (M.P.E.P. § 2163, citing *In re Wertheim*, 541 F.2d 257, 263 (CCPA 1976)).

In the present Office Action, the Examiner makes the broad conclusory statement "Applicant has not pointed out where the new(or amended) claim is supported, nor does there appear to be a written description of the claim limitations in the application as filed (see above objection to the specification)." Furthermore, the Office Action fails to identify which elements of the claims the Examiner alleges fail to comply with the written description requirement. Instead, the Office Action merely points to the "above objection to the specification." These broad statements are simply not sufficient to meet the evidentiary burden to support a written description rejection.

Even assuming *arguendo* that the Examiner has met his burden, Applicants have discussed in detail above where each of the elements of the claims specified by the Examiner in the objection to the specification are supported. Accordingly, the subject matter of these elements is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Therefore, the claims comply with the written description requirement. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Second Paragraph

Claims 2-7, 9, 13-15, 18, 28-33, and 38 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants respectfully traverse this rejection.

Specifically, the Office Action states “[r]egarding claims 2-7, 9, 13-15, 18, 28-33, and 38, they are rejected as being indefinite. The claim recitation of '... a manufacturer header ...' lacks a defined and customary meaning to those of ordinary skill in the art and the applicant's fail to define 'a manufacturer header', thereby rendering the scope of these claims indeterminate. Furthermore, the claim recitation of '... a user-specific type field ...' lacks a defined and customary meaning to those of ordinary skill in the art and the applicant's fail to define 'a user-specific type field', thereby rendering the scope of these claims indeterminate.”

The meaning of these claim terms is apparent from the specification and drawings at the time the application is filed. As set forth in M.P.E.P. § 2173.02, “[t]he

essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of:

(A) *The content of the particular application disclosure;*

(B) The teachings of the prior art; and

(C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made." (emphasis added). Furthermore, "[a] fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers." (M.P.E.P. § 2173.01).

As described in detail above, the terms "manufacturer header" and "user-specific type field" are defined in the specification in a manner that renders the scope of the claims containing either of these terms clear to a person possessing ordinary level of skill in the pertinent art. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

The Office Action further states: "[c]laim 7 recites '... wherein the second, third and fourth bytes of the manufacturer header ...' in line 1. Applicant has no prior claim of 'second, third, and fourth bytes' or of a header comprising 'second, third, and fourth bytes'. Thus, there is insufficient antecedent basis for this limitation in the claim."

Applicants submit that the scope of claim 7 would be reasonably ascertainable by those skilled in the art and is therefore not indefinite. However, in order to expedite prosecution, Applicants have amended claim 7 to recite "wherein a portion of the manufacturer header following the first byte of the manufacturer header includes the

memory address." Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Rejections under 35 U.S.C. § 103

Bryers and Mercer

Claims 1-4, 16, 17, 22-29, 31, and 35-53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bryers, *et al*, U.S. Patent Publication 2003/0126233 (Bryers) in view of Mercer, U.S. Patent Publication No. 2003/0018908, "Method for Establishing a Security Association Between Two or More Computers Communicating Via an Interconnected Computer Network" (Mercer). Applicants respectfully traverse this rejection.

The combination of Bryers and Mercer does not teach or suggest each and every feature of amended independent claims 1, 17, 26, and 37. Bryers fails to teach or suggest the encapsulation of an Ethernet packet and the memory address associated with the security association in another Ethernet packet. Based on the citations from Bryers used in the Office Action, the Examiner appears to equate IPsec encapsulation and decapsulation with the "first Ethernet packet comprising a second Ethernet packet." Applicants' disagree with this understanding.

In the sections cited in the Office Action, Bryers describes the operation of an IPsec module upon receipt of a packet at the IPsec module. (Bryers, ¶ [0194]). "As each new packet enters the IPsec module at 1010, a determination is made as to whether the packet needs to be encapsulated at step 1016 or de-capsulated at step 1012." (Bryers, ¶ [0194]). Encapsulation in IPsec occurs in IPsec tunnel mode. In IPsec tunnel mode, the IPsec protocol encapsulates an IP packet with IPsec header (e.g., an ESP header) and

adds an outer IP Header. Thus, an IPSec tunneled mode packet has two *IP headers* - an inner header and an outer header. Bryers does not teach or suggest "a first Ethernet packet comprising a second Ethernet packet."

Thus, Bryers does not teach or suggest "receiving in a security processor a first Ethernet packet comprising a second Ethernet packet and a memory address associated with a security association," as recited in amended independent claim 1. Bryers also does not teach or suggest a method of or security processor for "generating encrypted packets by processing a first Ethernet packet comprising a second Ethernet packet and a memory address associated with a security association ... comprising ... extracting the memory address from the first Ethernet packet," as recited in amended independent claims 17 and 37. Bryers further does not teach or suggest "generating a first Ethernet packet ... generating a second Ethernet packet encapsulating the memory address and the at least one first Ethernet packet," as recited in amended independent claim 26.

Mercer does not overcome these deficiencies of Bryers. Accordingly, independent claims 1, 17, 26, and 37 are patentable over the combination of Bryers and Mercer. Claims 2- 4, and 16 depend from claim 1; claims 22-25 depend from claim 17; claim 28, 29, 31, 35, and 36 depend from claim 26; and claims 38-40 depend from claim 37. For at least the above reasons, and further in view of their own features, dependent claims 2-4, 16, 22-25, 28, 29, 31, 35, 36, and 38-40 are also patentable over the combination of Bryers and Mercer. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Bryers, Mercer, and Stevens

Claims 5-7, 9, 18-21, 30, 32, and 33 were rejected under 35 U.S.C. §103(a) as being unpatentable over the combination of Bryers and Mercer in view of Stevens, "TCP/IP Illustrated" (Stevens). Applicants respectfully traverse this rejection.

Claims 5-7 and 9 depend from claim 1; claims 18-21 depend from claim 17; and claims 30, 32, and 33 depend from claim 26. Stevens does not overcome the deficiencies of Bryers and Mercer relative to amended independent claims 1, 17, and 26 described above. For at least these reasons, and further in view of their own features, dependent claims 5-7, 9, 18-21, 30, 32, and 33 are patentable over the combination of Bryers, Mercer, and Stevens. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

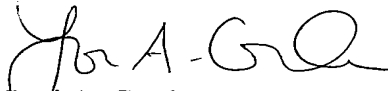
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Lori A. Gordon".

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